



Massachusetts National Guard

Public Affairs

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News Release

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Judge Says Guard Audit May Resolve Claims

MILFORD, Mass. -- A federal judge today found that an internal Massachusetts Guard audit may resolve a number of the pending claims from a 2006 lawsuit filed by soldiers who say they were not reimbursed for expenses incurred while they were protecting sites in the Commonwealth of Massachusetts.

In a memo released today, U.S. District Judge Richard Stearns said that the court would defer a decision on jurisdictional issues to allow the audit to proceed.

"There was already an audit underway to address this problem prior to the lawsuit," said Guard attorney Maj. Anthony Sciaraffa. "This order will allow this audit to continue, so we can ensure all our members who served on these missions are compensated appropriately, not just those involved in the lawsuit."

The Massachusetts National Guard's audit began in 2003 and was expanded in 2005.

In the memo, Stearns also found the individually-named defendants in the suit, who were sued solely in their official capacities, were not necessary parties to the dispute were dismissed. Dismissed from the suit were Donald H. Rumsfeld, Secretary of Defense; Francis J. Harvey, Secretary of the Army; David M. Walker, U.S. Comptroller General; Mitt Romney, Governor of Massachusetts; Martin J. Benison, Comptroller of the Commonwealth of Massachusetts; Brigadier General Oliver J. Mason, Jr., Adjutant General of the Massachusetts National Guard; and Leonard Samborowski, Inspector General of the Massachusetts National Guard.

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Initial audit findings indicate that some soldiers may not have received all the reimbursements they may have been due. The exact number of affected soldiers is still being determined, but all soldiers who are entitled any additional reimbursement will be notified and compensated.

"The top priority is making sure our people are compensated appropriately," said Brig. Gen. Oliver J. Mason Jr, The Adjutant General of the Massachusetts National Guard, "but another important part of the audit is ensuring that this kind of administrative error doesn't happen again."

Preliminary audit results found that an inappropriate template was used in developing orders for some soldiers serving in Title 32 status on homeland defense missions in the commonwealth. Initial recommendations included the development of clear guidelines for the processing of Title 32 orders for Guard soldiers serving on operational missions within Massachusetts.

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